



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037-4128

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, OCTOBER 3, 2001

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL & REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

*A Special Meeting is Called at 6:30 P.M. for the Purpose
of Conducting Closed Sessions.*

Dennis Kennedy, Mayor/Chairperson

6:30 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2
(City Clerk/Agency Secretary Torrez)

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:
CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of
Cochrane Road (St. Louise Hospital property)
City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,
special counsel; Rutan & Tucker, special counsel
Case Name: San Jose Christian College v. City of Morgan Hill
Case Number: Santa Clara County Superior, No. CV 799179
Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation/Initiation of Litigation
Authority: Government Code Section 54956.9(b) & (c)
Four (4) Cases

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code 54956.9(a)
Title: Interstate Trust Deed Services, Inc. v. City of Morgan Hill
Case No.: Orange County Superior Court, 01CC05281

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code Section 54956.9(a)
Case Name: Driver Placement Services, Inc. v. City of Morgan Hill
Case No.: Santa Clara County Superior Court, CV 788941
Attendees: City Council, City Manager Tewes, City Attorney Leichter; Special Counsel Dan
K. Siegel

5.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Real Property Involved: 3.85 acre parcel located on the northwest corner of the intersection of Condit
Road and Tennant (APN 817-13-008)
Negotiating Parties:
 For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of
 Business Assistance & Housing Services
 For Property Owners: T&C Development, LTD Partnership
Closed Session Topic: Acquisition of Real Property

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Charnell Mumford, Human Resources Assistant

PROCLAMATIONS

Domestic Violence Awareness Month

Yellow Ribbon Suicide Awareness and Prevention Week

CITY COUNCIL REPORT

Mayor Pro Tempore Sellers

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE
ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT
IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Item Nos. 1 through 6 may be acted upon with one motion, a second and the vote from each respective agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
1)	<u>APPROVAL OF SUPPLEMENTAL IMPROVEMENT AGREEMENT WITH SHEA HOMES/GLENROCK BUILDERS - TRACT 9234 (BURNETT WATERLINE)</u>	1
	<u>Recommended Actions:</u>	
1.	<u>Appropriate</u> \$190,745 From the Current Year Unappropriated Non AB 1600 Public Facilities Fund (Fund 346) Balance for the Burnett Avenue Waterline Project, and	
2.	<u>Authorize</u> the City Manager to Sign Supplemental Improvement Agreement for Construction of the Burnett Avenue Water Line by Shea Homes and Glenrock Builders - Capriano Subdivision	
2)	<u>SANITARY SEWER COLLECTION SYSTEM INFILTRATION & INFLOW INVESTIGATION</u>	11
	<u>Recommended Action:</u> <u>Authorize</u> City Manager to Execute Consultant Services Contract with Villalobos and Associates in the Amount of \$42,133 for Further Identification of Infiltration and Inflow Within the City's Sanitary Sewer System.	
3)	<u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR PARCEL MAP 714 M 43 & 44, TROVARE PHASE I</u>	19
	<u>Recommended Actions:</u>	
1.	<u>Adopt</u> Resolution No. 5531, Accepting the Subdivision Improvements included in Parcel Map 714-M 43 & 44, Commonly Known as Trovare Phase I; and	
2.	<u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder's Office.	
4)	<u>REIMBURSEMENT TO KEATARA INVESTMENTS, LLC FOR UNDERGROUNDING OF OVERHEAD UTILITIES</u>	25
	<u>Recommended Action:</u> <u>Authorize</u> Reimbursement of \$32,504 for Undergrounding of Overhead Utilities to Keatara Investment, LLC from CIP Project No. 529001.	
5)	<u>APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P.-SUTTER PLACE APN 726-25-012, 021, 023 & 027</u>	27
	<u>Recommended Actions:</u>	
1.	<u>Approve</u> the Subdivision Improvement Agreement, and	
2.	<u>Authorize</u> the City Manager to Sign the Agreement on Behalf of the City of Morgan Hill Development Partners, L.P., Digital Drive (APN 726-25-012 & 029).	
6)	<u>COYOTE VALLEY GREENBELT "INTERIM PLANNING PRINCIPLES"</u>	39
	<u>Recommended Action:</u> <u>Accept</u> Interim Principles by Minutes Action	

City Council and Redevelopment Agency Action

CONSENT CALENDAR: The Consent Calendar, Agenda Item Nos. 7 through 9 may be acted upon with one motion, a second and the vote from each respective agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
7)	<u>APPROVAL OF THE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF SEPTEMBER 5, 2001</u>	45
8)	<u>APPROVAL OF THE SPECIAL CITY COUNCIL MEETING MINUTES OF SEPTEMBER 19, 2001</u>	47
9)	<u>APPROVAL OF THE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF SEPTEMBER 19, 2001</u>	65

OTHER BUSINESS:

	Time Estimate	Page
10)	5 minutes <u>CITY COUNCIL AND REDEVELOPMENT AGENCY NOVEMBER, DECEMBER AND JANUARY MEETING SCHEDULE</u>	67
	<u>Recommended Actions:</u> City Council and Redevelopment Agency <u>Discussion</u> and <u>Direction</u> regarding the November, December and January meeting schedule.	
11)	15 minutes <u>CITY OPPOSITION TO REDISTRICTING PLANS</u>	73
	<u>Recommended Action:</u> <u>Provide Direction</u> to Staff on Actions to Take in Opposition to the State's Redistricting Plans.	

City Council Action

	Time Estimate	Page
	<u>SECOND READING OF ORDINANCE:</u> Full Reading Waived By Majority Vote. (Government Code Section 36934) Action -- <u>Adopt</u> Ordinance by roll call vote.	
12)	1 minute <u>ADOPT ORDINANCE NO. 1532, NEW SERIES</u>	83
	An Ordinance of The City Council of The City of Morgan Hill Rezoning 20.55 acres located on the eastside of Monterey Road, between Tennant Avenue and Watsonville Road. (APNs 817-06-004, 005 and 006)	
13)	1 minute <u>ADOPT ORDINANCE NO. 1533, NEW SERIES</u>	91
	An Ordinance of The City Council of The City of Morgan Hill Rezoning 3.23 Acres Located on the North Side of Campoli Drive, between Madrone Road (Old Monterey Road) and Hale Avenue from County A-SR to City R-1(7,000). (APNs 764-24-006, 007, 008, and 009)	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT